

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 19, 2004**

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

Each of the following:

B166590 People v. Craig B.  
B167570 People v. Estrada  
B167233 People v. Garcia  
B164717 People v. Barragan  
B169714 Leong v. Tri-Tech Engineering Assoc.  
B166498 People v. Rodriguez  
B169155 People v. Arreguin  
B170242 DCFS v. Mario M.  
B167810 Michael Pick International, Inc. v. International Creative Management

Argument waived, cause submitted.

B166481     Herrera  
                 v.  
                 Makino

Merits:

Argued by Miguel G. Caballero for appellant and by Peter Fitzpatrick for respondent. Cause submitted.

DIVISION TWO (Continued)

B160640     Dalgarn  
              v.  
              Talon Instruments, Inc., et al.

Merits:  
Argued by Lewis M. Dalgarn for appellant and by Scott L. Gilmore for respondents. Cause submitted.

B162880     Williams  
              v.  
              Freedomcard, et al.

Merits:  
Argued by Miles E. Locker for respondent and by Steven J. Prough for appellants. Cause submitted.

B165500     Solar Precision Products, Inc.  
              v.  
              Cubic Technologies, Inc., et al.

Merits:  
Argued by John D. Goalwin for appellant and by Joshua R. Dale for respondents. Cause submitted.

B163366     Farrell  
              v.  
              21st Century Industries

Merits:  
Argued by Judith K. Williams for appellant and by William S. Waldo for respondent. Cause submitted.

DIVISION TWO (Continued)

B165876      Crenshaw  
                 v.  
                 County of Los Angeles

Merits:  
Argued by John P. Blumberg for respondent and by Martin Stein for  
appellant. Cause submitted.

B152202      Vasquez, et al.  
                 v.  
                 Union Pacific Railroad Co.

Merits:  
Argued by Allan A. Sheno for appellants and by Joseph P. Mascovich for  
appellant. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy  
Clerk.

B165450      People  
                 v.  
                 Perez

Merits:  
Argued by Ellen Birnbaum Kehr, Deputy Attorney General for respondent  
and by Edward J. Haggerty for appellant. Cause submitted.

B166243      Castro, et al.  
                 v.  
                 Magyari

Merits:  
Argued by John V. Gaule for respondents and Morris Stone for appellant  
having previously waived oral argument. Cause submitted.

DIVISION TWO (Continued)

B166762      Prospect Health Source Medical Group  
                 v.  
                 Saied Dallalzadeh, M.E.

Merits:  
Argued by Kenneth E. Johnson for respondent and by William Rehwald for appellant. Cause submitted.

B163175      People  
                 v.  
                 Merino

Merits:  
Argued by Peggie B. Tarwater, Deputy Attorney General for respondent and by Danalynn Pritz for appellant. Cause submitted.

B165650      Liberty Mutual Ins. Co.  
                 v.  
                 Travelers Property Casualty Ins. Co.

Merits:  
Argued by Michael D. Compean for appellant and by Robert V. Closson for respondent. Cause submitted.

B164671      Jackson, et al.  
                 v.  
                 The Boeing Company

Merits:  
Argued by George T. Kelly for appellants and by Arthur R. Petrie for respondent. Cause submitted.

April 19, 2004 (Continued)

DIVISION TWO (Continued)

B162753     Paneno  
              v.  
              Center for Academic Programs Abroad, LTD.

Merits:  
Argued by Thomas P. Carter for appellant and by Harry Chamberlain for respondent. Cause submitted.

B162277     Otero  
              v.  
              Kaiser Foundation Health Plans, Inc., et al.

Merits:  
Argued by Tristram T. Buckley for appellant and there being no appearance by counsel for respondents. Cause submitted.

Court adjourned.

DIVISION FOUR

B167779     People                                 (Not for Publication)  
              v.  
              Hilu

The matter is remanded solely to determine whether the sentences imposed in Case Nos. LA013741 and SA014235 were served at the same time, and, if so, to strike one of the four one-year enhancements and forward an amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
              Curry, J.

April 19, 2004 (Continued)

## DIVISION FOUR (Continued)

[illegible]

The appeal from the February 28, 2003 order is dismissed. Respondent to recover costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B166042 Kong (Not for Publication)  
v.  
Zhou, et al.

The order is reversed. The case is remanded to the superior court for proceedings consistent with this opinion. Defendants are to have their costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B166373 People (Not for Publication)  
v.  
Espinoza

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

April 19, 2004 (Continued)

DIVISION FIVE

B167236      People                                  (Not for Publication)  
v.  
Demetrious Green

The judgment is affirmed.

Mosk, J.

We concur:   Turner, P.J.  
                      Grignon, J.

B162877      PZ Plastering, Inc.                      (Not for Publication)  
v.  
ECC Construction, Inc., et al.

The judgment is reversed. Each party to bear their own costs.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Mosk, J.

B164017 Karl Sullivan (Not for Publication)  
v.  
Ann-Kristine Hellgren, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Mosk, J.

B168208 Pacific West Commercial and Industrial  
v.  
Linda Harding

Filed order modifying opinion. (No change in the judgment)

April 19, 2004 (Continued)

DIVISION SIX

B169389      Voss      (Not for Publication)  
v.  
Department of Motor Vehicles

The judgment (order summarily denying the petition for writ of mandate) is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B161993 People (Not for Publication)  
v.  
Virk

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

B167191 People (Not for Publication)  
v.  
Ballard

The order of dismissal and the order granting the suppression motion are reversed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.



April 19, 2004 (Continued)

## DIVISION SIX (Continued)

B169653 People v. White (Not for Publication)

The judgment (order setting aside the information) is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

B172265      Koslov  
B174218      v.  
Lexington Hills Homeowners Association

Filed order consolidating above captioned appeals.

## DIVISION SEVEN

[illegible]

The findings and order of wardship are reversed.

Woods, J.

I concur: Zelon, J.  
I dissent: Perluss, P.J. (Opinion)

B166369 People  
v.  
Mijares, Jr.

Filed order denying petition for rehearing.

DIVISION EIGHT

B166993      Southern California Edison Company      (Certified for Publication)

v.

Public Utilities Commission of the State of California  
(The Utility Reform Network, r.p.i.)

PUC decision 02-06-070, as modified by PUC decision 03-04-034, is affirmed.

Cooper, P.J.

We concur:    Rubin, J.  
                     Boland, J.

B164609      Bobby D. Associates      (Not for Publication)

v.

John A. McDonald

The judgment is affirmed. Respondent to recover its costs on appeal.

Rubin, Acting P.J.

We concur:    Boland, J.  
                     Flier, J.

B166113      Gari Hardy Ryan      (Not for Publication)

v.

Sirooz Farzam, et al.

The judgment is affirmed. Respondent Gari Hardy Ryan to recover her costs on appeal.

Rubin, J.

We concur:    Cooper, P.J.  
                     Boland, J.

April 19, 2004 (Continued)

DIVISION EIGHT (Continued)

B168491      People                                  (Not for Publication)  
v.  
Lafayette Johnson

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Boland, J.  
Flier, J.

B161695      People  
                    v.  
                    Khyloyian

Filed order denying petition for rehearing.

B161367	People v. Ramirez
B168475	In re Johnny Ramirez on Habeas Corpus

Filed order modifying opinion. (No change in the judgment)